

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Keith Brian Donnell,

Defendant.

ORDER

Crim. No. 11-365 (01) (MJD)

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This matter is before the Court on the Defendant's *pro se* motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2).

On June 21, 2012, the Defendant pled guilty to both counts of the Indictment; count one, possession with intent to distribute a mixture of substance containing a detectable amount of marijuana, and count two, possession of a firearm in furtherance of a drug trafficking offense. On October 12, 2012, the Defendant was sentenced to a term of imprisonment of 60 months and 1 day; he was sentenced to one day as to count one and 60 months on count two, to be served consecutively.

The Defendant seeks a sentence reduction based on Amendment 782 to the Sentencing Guidelines which lowered the drug quantity base offense levels applicable to certain drug offenses. The Defendant is not eligible for a sentence

reduction, however, as he was sentenced to a term of imprisonment that is below the amended guideline range for count one, which is 4 to 10 months.

IT IS HEREBY ORDERED that Defendant's Motion for Sentence Reduction [Doc. No. 105] is DENIED.

Date: September 28, 2015

s/ Michael J. Davis

Michael J. Davis

United States District Court